Remarks/Arguments

Claims 8-15 are pending. Claims 8 and 15 stand rejected under 35 U.S.C. 112, first paragraph. Claims 8-15 stand rejected under 35 U.S.C. 102(e) as being anticipated by Rzeszewski (United States Patent No. 5,699,125). Claims 8 and 15 have been amended. Applicant respectfully requests reconsideration and removal of these rejections for at least the following reasons.

35 U.S.C. 112 Rejections

Claims 8 and 15 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement. The Office action argues the limitation that "the copying being suspended during acquiring of a new list of services" is contrary to the invention as described in the originally filed specification. Applicant traverses this rejection. The specification clearly teaches on page 15 that the restitution part is updated when the entire list of services has been received by the database, the acquisition part. Accordingly, the specification clearly supports the limitation that copying from the first to second database is suspended during acquiring of a new list of services, as it teaches that the restitution part is updated when the entire list of services has been received by the database. However, for purposes of expediting prosecution of the subject application, Applicant has cancelled the above language from Claims 8 and 15. Accordingly, this rejection is deemed moot.

Clam 15 has been amended in consonance with the description on page 14 of the specification to recite, "the detection means controlling the means for copying the list of broadcast services when the entire list has been acquired in the first database." Accordingly, no new matter has been added thereby.

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35 U.S.C. 102 Rejections

Claims 8-15 stand rejected under 35 U.S.C. 102(e) as being anticipated by Rzeszewski. Applicant requests reconsideration and removal of these rejections for at least the following reasons.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See, M.P.E.P. §2131 citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully submits the cited prior art references fail to teach each of the limitations of the present claims.

Independent Claim 8 as amended recites in part, that the second database has a same structure as the first database. Such limitation finds support throughout the specification as originally filed, including for example, on page 14, wherein it teaches the structure of the restitution part is destined to be identical to that of the acquisition part; and to do this, the content of the acquisition part is linked to the restitution part. Accordingly, no new matter has been added by this amendment.

This characteristic allows a quick copy from the acquisition database to the restitution database. In this manner, the data are quickly swapped from the acquisition part to the restitution part at particular moments. The cited prior art neither discloses nor suggests such features and limitations.

Rzeszewski discloses a method and device for receiving and storing an electronic program guide (EPG). The goal is to limit the memory size and processing power required to store EPG data. The microprocessor 14 captures data from decoder and stores them in a memory 18. Rzeszewski discloses in column 6, line 6:

> If the stored database information associated with the
> subject channel is current, in block 38, the microprocessor 14
> copies the stored database for the subject channel from the
> memory 18 to the VRAM of the character generator (not
> shown) in the microprocessor 14.

The Office action argues that memory 18 contains a first database and the VRAM contains another database, and thus Rzeszewski discloses the copying from a first database to another at a certain time. However, the memory 18 and the VRAM do not have the same structure. Rzeszewski makes clear that the data stored in the VRAM concerns only the subject channel, and not any data received from the decoder. Moreover, the method of Rzeszewski for storing in memory is completely different, as the data received from the decoder emanates from the stream and is packetized according to a broadcast television standard. Furthermore, the data stored in the VRAM is to be displayed; thus, after the copying, this data is structured for facilitating the displaying.

In view of the foregoing, Applicant submits Claim 8 is patentably distinguishable over the prior art of record, and requests reconsideration and removal of this rejection. Claims 9 - 14 are also patentable, at least by their dependency from patentable base Claim 8.

With regard to independent Claim 15, Applicant has amended the claim to recite, *inter alia*, "means for copying the acquired list of broadcast services to a second database having a same structure as the first database." As discussed above with regard to Claim 8, the prior art of record fails to disclose, teach or suggest such features and limitations. Reconsideration and removal of the rejection of Claim 15 is respectfully requested.

While the above represents sufficient grounds for overcoming the aforementioned rejections, Applicant further notes, for purposes of completeness, that the goal of the subject invention is quite different from the goal of the VRAM of Rzeszewski. As described at page 14 of the subject application, the aim of the restitution part is to provide as stable as possible a copy of the data of the DVB stream. Rzeszewski does not seek to provide stable data, because the data extracted from the memory 18 concern only the subject channel. It is supposed that this information is very short and the extraction does not need a reception memory divided in two parts. Rzeszewski teaches that the received and stored information can be displayed at any time, regardless of the consistency of the stored information. Thus, Rzeszewski does not disclose any information that one of ordinary skill in the art would use for solving the problem of inconsistency of the received information.

CONCLUSION

Having fully addressed the Examiner's rejections, Applicants submit that the present application is in condition for allowance and respectfully request such action. No fee is believed due in regard to the present amendment. However, if a fee is due, please charge the fee to Deposit Account 07-0832. Should any questions arise regarding any of the above, the Examiner is requested to contact the undersigned at 609-734-6815.

Respectfully submitted,
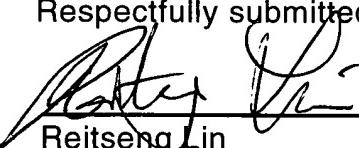
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August 24, 2006

CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop RCE, Commissioner for Patents, Alexandria, Virginia 22313-1450 on:

8-24-06
Date   Karen Schramel